

FILED

06-07-2022

Clerk of Circuit Court
Rock County, Wisconsin

STATE OF WISCONSIN

CIRCUIT COURT

ROCK 2022CV000462

Honorable Karl R Hanson
Branch 1

RANDY L. CRUZ
 3205 Tanglewood Drive
 Waukesha, WI 53189

Plaintiff,

SUMMONS

Case No:
 Case Code No: 30101

UNITED HEALTHCARE OF WISCONSIN,
 INCORPORATED
 A Domestic Corporation
 10701 West Research Drive
 Wauwatosa, Wisconsin 53226
Registered Agent: CT Corporation System
 301 South Bedford Street, Suite 1
 Madison, Wisconsin, 53703

Amount Claimed is
 Greater Than \$10,000.00

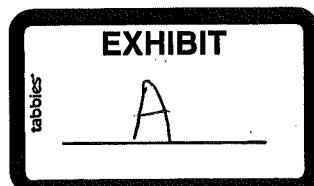
BLUE CROSS BLUE SHIELD OF WISCONSIN
 A Domestic Corporation
 N17W24340 Riverwood Drive
 Waukesha, Wisconsin 53188
Registered Agent: CT Corporation System
 8020 Excelsior Drive, Suite 200
 Madison, Wisconsin 53717

XAVIER BECERRA, SECRETARY OF THE
 UNITED STATES DEPARTMENT OF HEALTH
 AND HUMAN SERVICES
 A Governmental Agency
 US Department of Justice
 United States Attorney
 517 East Wisconsin Avenue, Suite 530
 Milwaukee, Wisconsin, 53202

STATE FARM MUTUAL AUTOMOBILE
 INSURANCE COMPANY
 A Foreign Corporation
 1 State Farm Plaza
 Bloomington, Illinois 61710
Registered Agent: Corporation Service Company
 8040 Excelsior Drive, Suite 400
 Madison, Wisconsin 53717

Involuntary Plaintiffs,

vs.



CHEROKEE INSURANCE COMPANY
A Foreign Corporation
34200 Mound Road
Sterling Heights, Michigan 48310
Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703

K&B TRANSPORTATION, INCORPORATED
4700 Dakota Avenue
South Sioux City, Nebraska 68776
Registered Agent: Brock Ackerman
5640 South Lakeport Road
Sioux City, Iowa 51106

DAIMLER TRUST
14372 Heritage Parkway
Fort Worth, Texas 76177
Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703

ABC INSURANCE COMPANY
Current Address and Registered Agent Unknown

ALLEN GRANT
11915 Troulon Drive
Houston, Texas 77072

Defendants.

**THE STATE OF WISCONSIN AND
TO EACH PERSON NAMED ABOVE AS A DEFENDANT OR AN INVOLUNTARY
PLAINTIFF**

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint which is attached states the nature and basis of the legal action.

Within forty-five (45) days after receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The

Answer must be sent or delivered to the Circuit Court for Rock County whose address is 51 South Main Street, Janesville, Wisconsin 53545, and to the Plaintiff's attorneys, GRUBER LAW OFFICES, LLC, by Attorneys Adam Woodside and Eric Knobloch, whose address is 100 East Wisconsin Avenue, Suite 2800, Milwaukee, Wisconsin 53202. You may have an attorney help or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 7th day of June 2022.

GRUBER LAW OFFICES, LLC
Attorneys for Plaintiff, Randy Cruz

By: /s/ Adam R. Woodside

Adam R. Woodside
SBN: 1114511

By: /s/ Eric M. Knobloch

Eric M. Knobloch
SBN: 1064347

POST OFFICE ADDRESS:

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Suite 2800
Milwaukee, Wisconsin 53202
Telephone: 414.276.6666
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arw@gruber-law.com
emk@gruber-law.com

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Clerk of Circuit Court

Rock County, Wisconsin

STATE OF WISCONSIN

CIRCUIT COURT

ROCK COUNTY

2022CV000462

Honorable Karl R Hanson

Branch 1

RANDY L. CRUZ
 3205 Tanglewood Drive
 Waukesha, WI 53189

Plaintiff,

COMPLAINT

Case No:
 Case Code No: 30101

UNITED HEALTHCARE OF WISCONSIN,
 INCORPORATED
 A Domestic Corporation
 10701 West Research Drive
 Wauwatosa, Wisconsin 53226
Registered Agent: CT Corporation System
 301 South Bedford Street, Suite 1
 Madison, Wisconsin, 53703

Amount Claimed is
 Greater Than \$10,000.00

BLUE CROSS BLUE SHIELD OF WISCONSIN
 A Domestic Corporation
 N17W24340 Riverwood Drive
 Waukesha, Wisconsin 53188
Registered Agent: CT Corporation System
 8020 Excelsior Drive, Suite 200
 Madison, Wisconsin 53717

XAVIER BECERRA, SECRETARY OF THE UNITED
 STATES DEPARTMENT OF HEALTH AND HUMAN
 SERVICES
 A Governmental Agency
 US Department of Justice
 United States Attorney
 517 East Wisconsin Avenue, Suite 530
 Milwaukee, Wisconsin, 53202

STATE FARM MUTUAL AUTOMOBILE INSURANCE
 COMPANY
 A Foreign Corporation
 1 State Farm Plaza
 Bloomington, Illinois 61710
Registered Agent: Corporation Service Company
 8040 Excelsior Drive, Suite 400
 Madison, Wisconsin 53717

Involuntary Plaintiffs,

vs.

CHEROKEE INSURANCE COMPANY
A Foreign Corporation
34200 Mound Road
Sterling Heights, Michigan 48310
Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703

K&B TRANSPORTATION, INCORPORATED
4700 Dakota Avenue
South Sioux City, Nebraska 68776
Registered Agent: Brock Ackerman
5640 South Lakeport Road
Sioux City, Iowa 51106

DAIMLER TRUST
14372 Heritage Parkway
Fort Worth, Texas 76177
Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703

ABC INSURANCE COMPANY
Current Address and Registered Agent Unknown

ALLEN GRANT
11915 Troulon Drive
Houston, Texas 77072

Defendants.

NOW COMES the Plaintiff, RANDY CRUZ, by his attorneys, GRUBER LAW OFFICES, LLC, by attorneys Adam Woodside and Eric Knobloch and alleges as follows:

1. That the Plaintiff, RANDY CRUZ, is an adult individual residing at 3205 Tanglewood Drive, City and County of Waukesha, State of Wisconsin, 53189.
2. That upon information and belief the Involuntary Plaintiff, UNITED HEALTHCARE OF WISCONSIN, INCORPORATED is a Domestic Corporation whose Principal Office is located at 10701 West Research Drive, City of Wauwatosa, County of

Milwaukee, State of Wisconsin 53226, whose registered agent is, CT Corporation System, 301 South Bedford Street, Suite 1, City of Madison, County of Dane, State of Wisconsin 53703, that the Involuntary Plaintiff, UNITED HEALTHCARE OF WISCONSIN, INCORPORATED, alleges to have made medical payments on behalf of the Plaintiff, RANDY CRUZ, as a result of the accident that is the subject of this complaint, may have or claim to have a subrogation interest herein, and is joined as an involuntary plaintiff for the purpose of complying with the provisions of Wis. Stats. § 803.03. The Plaintiff, RANDY CRUZ, alleges doubt as to whether the Involuntary Plaintiff, UNITED HEALTHCARE OF WISCONSIN, INCORPORATED, is truly subrogated or interested in this matter, but said party is joined for the purpose of complying with the provisions of Wis. Stat. § 803.03. Pursuant to Wis. Stat. § 803.03(2)(b)(1)(b), the involuntary plaintiff must do one of the following:

- a. Participate in the prosecution of the action;
- b. Agree to have his or her interest represented by the party who caused the joinder; or
- c. Move for dismissal with or without prejudice.

In the event of the involuntary plaintiff's failure to answer this complaint within forty-five (45) days or otherwise appear and exercise one of the foregoing options, any interest they may claim in this action shall be deemed waived, and all claims they may have shall be dismissed with prejudice.

3. That upon information and belief, the Involuntary Plaintiff, BLUE CROSS BLUE SHIELD OF WISCONSIN, is a Domestic Corporation with its principal offices located at N17W24340 Riverwood Drive, City and County of Waukesha, State of Wisconsin 53188, whose registered agent for service of process is, CT Corporation System, 8020 Excelsior Drive, Suite

200, City of Madison, County of Dane, State of Wisconsin, 53717, that the involuntary plaintiff was at all times material hereto engaged in the business of providing medical payments coverage to its member and that as a result of the occurrence described in the complaint, said insurer may have made payments on behalf of the Plaintiff, BLUE CROSS BLUE SHIELD OF WISCONSIN, for medical expenses, that further said insurer may have or claim to have a subrogation interest herein, and is therefore joined as an involuntary plaintiff for the purpose of complying with the provisions of Wis. Stats. §803.03. The Plaintiff, RANDY CRUZ, alleges doubt as to whether the Involuntary Plaintiff, BLUE CROSS BLUE SHIELD OF WISCONSIN, by and through its Registered Agent, CT Corporation System, is truly subrogated or interested in this matter, but that said party is joined for the purpose of complying with the provisions of Wis. Stats. §803.03. The Plaintiff, RANDY CRUZ, further states that pursuant to Wis. Stats. §803.03(2)(b)(1)(b), the involuntary plaintiff must do one of the following:

- a. Participate in the prosecution of the action;
- b. Agree to have his or her interest represented by the party who caused the joinder; or
- c. Move for dismissal with or without prejudice.

In the event of the involuntary plaintiff's failure to answer this complaint within forty-five (45) days or otherwise appear and exercise one of the foregoing options, any interest they may claim in this action shall be deemed waived, and all claims they may have shall be dismissed with prejudice.

4. That upon information and belief the Involuntary Plaintiff, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES is a Governmental Agency whose registered agent is, Xavier Becerra, with its offices located at Department of Justice, 517 East

Wisconsin Avenue, City and County of Milwaukee, State of Wisconsin, 53202, that the Involuntary Plaintiff, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, alleges to have made medical payments on behalf of the Plaintiff, RANDY CRUZ, as a result of the accident that is the subject of this complaint, may have or claim to have a subrogation interest herein, and is joined as an involuntary plaintiff for the purpose of complying with the provisions of Wis. Stats. § 803.03. The Plaintiff, RANDY CRUZ, alleges doubt as to whether the Involuntary Plaintiff, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, is truly subrogated or interested in this matter, but said party is joined for the purpose of complying with the provisions of Wis. Stat. § 803.03. Pursuant to Wis. Stat. § 803.03(2)(b)(1)(b), the involuntary plaintiff must do one of the following:

- a. Participate in the prosecution of the action;
- b. Agree to have his or her interest represented by the party who caused the joinder; or
- c. Move for dismissal with or without prejudice.

In the event of the involuntary plaintiff's failure to answer this complaint within forty-five (45) days or otherwise appear and exercise one of the foregoing options, any interest they may claim in this action shall be deemed waived, and all claims they may have shall be dismissed with prejudice.

5. That upon information and belief, the Involuntary Plaintiff, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, is a Foreign Corporation with its principal offices located at 1 State Farm Plaza, City Bloomington, County of McLean, State of Illinois 61710, whose registered agent for service of process is, Corporation Service Company, 8040 Excelsior Drive, Suite 400, City of Madison, County of Dane, State of Wisconsin, 53717,

that the involuntary plaintiff was at all times material hereto engaged in the business of providing medical payments coverage to its member and that as a result of the occurrence described in the complaint, said insurer may have made medical payments on behalf of the Involuntary Plaintiff, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, for medical expenses, that further said insurer may have or claim to have a subrogation interest herein, and is therefore joined as an involuntary plaintiff for the purpose of complying with the provisions of Wis. Stats. §803.03. The Plaintiff, RANDY CRUZ, alleges doubt as to whether the Involuntary Plaintiff, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, by and through its Registered Agent, Corporation Service Company, is truly subrogated or interested in this matter, but that said party is joined for the purpose of complying with the provisions of Wis. Stats. §803.03. The Plaintiff, RANDY CRUZ, further states that pursuant to Wis. Stats. §803.03(2)(b)(1)(b), the involuntary plaintiff must do one of the following:

- d. Participate in the prosecution of the action;
- e. Agree to have his or her interest represented by the party who caused the joinder; or
- f. Move for dismissal with or without prejudice.

In the event of the involuntary plaintiff's failure to answer this complaint within forty-five (45) days or otherwise appear and exercise one of the foregoing options, any interest they may claim in this action shall be deemed waived, and all claims they may have shall be dismissed with prejudice.

6. That the Defendant, CHEROKEE INSURANCE COMPANY, is upon information and belief a Foreign Corporation with its principal offices located at 34200 Mound Road, City of

Sterling Heights, County of Macomb, State of Michigan 48310 whose registered agent for service of process is, CT Corporation System, 301 South Bedford Street, Suite 1, City of Madison, County of Dane, State of Wisconsin 53703. That upon information and belief, the Defendant, CHEROKEE INSURANCE COMPANY, provided liability insurance to the Defendant, ALLEN GRANT, a permissive user, and that by reason of said insurance policy, and the alleged negligence of the Defendant, ALLEN GRANT, and the provisions § 803.04(2), Wis. Stats., the Defendant, CHEROKEE INSURANCE COMPANY, is a proper party defendant herein.

7. That the Defendant, K&B TRANSPORTATION, INCOPORATED, is upon information and belief a business with its principal offices located at 4700 Dakota Avenue, City of South Sioux City, County of Dakota, State of Nebraska 68776, whose registered agent for service of process is, Brock Ackerman, 5640 South Lakeport Road, City of Sioux City, County of Woodbury, State of Iowa 51106. That upon information and belief, the Defendant, K&B TRANSPORTATION, INCOPORATED, was at all times material the employer of the Defendant, ALLEN GRANT. That Defendant, K&B TRANSPORTATION, INCOPORATED, is named as a Defendant herein pursuant to the theory of *Respondeat Superior*, in that it is liable for the acts of its employees, agents, and/or representatives herein, including the Defendant, ALLEN GRANT, while in the scope of his employment with, K&B TRANSPORTATION, INCOPORATED.

8. That the Defendant, DAIMLER TRUST, is upon information and belief a business with its principal offices located at 14372 Heritage Parkway, City of Fort Worth, County of Tarrant, State of Texas 76177 whose registered agent for service of process is, CT Corporation System, 301 South Bedford Street, Suite 1, City of Madison, County of Dane, State of Wisconsin 53703. That upon information and belief, the Defendant, DAIMLER TRUST, was at all times

material herein the owner of the trailer attached to the tractor operated by Defendant, ALLEN GRANT. That Defendant, DAIMLER TRUST, named as a defendant herein pursuant to the theory of *Respondeat Superior*, in that it is liable for the acts of its employees, agents, and/or representatives herein, including the Defendant, ALLEN GRANT, while in the scope and course of his employment with, DAIMLER TRUST.

9. That the Defendant, ABC INSURANCE COMPANY, is a Foreign or Domestic Corporation whose name, address, registered agent, registered offices, and state of incorporation of which are presently unknown to the Plaintiff, RANDY CRUZ, and in place of the actual name of the Defendant Insurance Corporation, a fictitious name is being used for the defendant pursuant to § 807.12 Wis. Stats. That upon information and belief, the Defendant, ABC INSURANCE COMPANY, provided liability insurance to the Defendant, DAIMLER TRUST, with said policy covering the trailer involved in this accident; that at all times material hereto Defendant, ALLEN GRANT, was a permissive user of the trailer involved in the accident, and by virtue of the terms of the policy issued by Defendant, ABC INSURANCE COMPANY, and is joined as a Defendant by reason of the terms of its policy and the laws of the State of Wisconsin pursuant to Wis. Stat. § 803.04(2).

10. That upon information and belief, the Defendant, ALLEN GRANT, is an adult individual residing at 11915 Troulon Drive, City of Houston, County of Harris, State of Texas 77072.

11. That on or about February 14th, 2020, the Plaintiff, RANDY CRUZ, was traveling southbound on Interstate Highway 39, in the Town of LaPrairie, County of Rock, State of Wisconsin. At the same time and place, the Defendant, ALLEN GRANT, in the course and scope of his employment with the Defendant, K&B TRANSPORTATION INCORPORATED, was

operating a semi-truck owned by the Defendants', K&B TRANSPORTATION INCORPORATED, and/or DAIMLER TRUST, was traveling his semi-truck in the same direction of travel when he failed to control his semi-truck, failed to keep his semi-truck in his designated lane, failed to look, causing his semi-truck to strike the Plaintiff, ALLEN GRANT'S, vehicle on the driver's side, causing the vehicle to spin several times, striking the Plaintiff, ALLEN GRANT'S, vehicle a second time, and the vehicle ultimately came to a rest in the ditch.

12. That the negligence of the Defendant, ALLEN GRANT, in the course and scope of his employment with the Defendant, K&B TRANSPORTATION INCORPORATED, was operating a semi-truck owned by defendants', K&B TRANSPORTATION INCORPORATED and/or DAIMLER TRUST, was the proximate cause of the accident and the resulting injuries to the Plaintiff, RANDY CRUZ.

13. That as a direct and proximate cause of the accident and the negligence of the Defendant, ALLEN GRANT, while in the course and scope of his employment with the Defendant, K&B TRANSPORTATION, INCORPORATED, was operating a semi-truck owned by the Defendants', K&B TRANSPORTATION and/or DAIMLER TRUST, the Plaintiff, RANDY CRUZ, was seriously and permanently injured, suffered great pain of body and mind which she will continue to suffer from for an indefinite amount of time, was obliged to expend monies for medical care and attention and will continue to incur medical expenses in the future, and was/is prevented from engaging in her normal activities, all to her damage in an amount to be determined by the trier of fact.

WHEREFORE, the Plaintiff, RANDY CRUZ, demands judgment against the Defendants, CHEROKEE INSURANCE COMPANY, K&B TRANSPORTATION, INCORPORATED, DAIMLER TRUST, ABC INSURANCE COMPANY, AND ALLEN GRANT as follows:

1. On behalf of the Plaintiff, RANDY CRUZ, in an amount to be determined by the trier of fact together with the pre-judgment and post-judgment interest, costs, attorney fees and disbursements of this action;

2. That in the event of settlement or verdict in favor of the Plaintiff, RANDY CRUZ, said plaintiff demands judgment for an order declaring plaintiff's rights to such settlement/verdict proceeds paramount to those of any subrogated party;

3. That in the event of any subrogated party's failure to respond to this complaint in a timely manner, the Plaintiff, RANDY CRUZ, requests this court to grant an order dismissing the subrogated party from this action and barring any claim for subrogation and/or reimbursement, and barring the subrogated party from participating in any judgment or settlement in this action; and;

4. For any and all other relief the Court deems just and equitable.

**PLAINTIFF HEREBY DEMANDS THAT THE ABOVE-ENTITLED ACTION
BE TRIED BY A JURY OF TWELVE (12) PERSONS.**

Dated at Milwaukee, Wisconsin this 7th day of June 2022.

GRUBER LAW OFFICES, LLC
Attorneys for Plaintiff, Randy Cruz

By: /s/ Adam R. Woodside
Adam R. Woodside
SBN: 1114511

By: /s/ Eric M. Knobloch
Eric M. Knobloch
SBN: 1064347

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